

### **REMARKS**

Favorable reconsideration is respectfully requested in light of the foregoing and the following remarks.

#### **Status of Claims**

Claims 1-21 stand pending with claims 1-5 and 21 withdrawn. After entry of the above amendments, claims 1-7 and 9-21 stand pending with claims 6, 7, 10, 12, and 16 having been amended and claim 8 canceled. Applicants have submitted amendments without prejudice to or disclaimer of the canceled subject matter. Applicants reserve the right to file a divisional or continuation application on any subject matter canceled by way of amendment.

Support for the foregoing amendments can be found, for example, in at least the following locations in the original disclosure: the original claims, Figures 1-14 and the specification, page 3, lines 25-27 and page 4, lines 4-5.

#### **Objections to the Abstract**

The Abstract is objected to for the reasons provided on page 2 of the Office Action. The Abstract has been amended to remove legal phraseology. Applicants respectfully request withdrawal of the objection.

#### **Rejections under 35 U.S.C. § 112, 2<sup>nd</sup> paragraph**

Claims 6-20 are rejected under 35 U.S.C. § 112, 2<sup>nd</sup> paragraph as allegedly indefinite for the reasons provided on pages 3-5 of the Office Action. The claims have been amended to conform with current U.S. practice, and thus the rejection is now moot. Applicants respectfully request withdrawal of the rejection.

**Rejections under 35 U.S.C. § 102**

Claims 6-20 are rejected under 35 U.S.C. § 102(b) as allegedly anticipated by GB 746,566 ("GB '566"). Applicants note and the Examiner confirmed in a telephone conversation on May 25, 2010 that the reference number listed is a typographical error and should have been listed as GB 746,655 ("GB '655"). Therefore, Applicants will discuss the rejection as it pertains to GB '655.

Applicants respectfully traverse the rejection. To establish a *prima facie* case of anticipation, a single prior art reference must teach each and every element of the claimed invention, either explicitly or inherently. *Verdegaal Bros. v. Union Oil Co. Cal.*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). Claim 6 recites that the outer shell comprises "a first abutment surface, which is configured to abut against a first contact surface on the frame, wherein the first abutment surface forms an angle to a vertical plane of 10–55 degrees, and a second abutment surface that is configured to engage with a spacer member that is possible to press between the frame and the second abutment surface, wherein the second abutment surface forms an angle to a vertical plane of 0–20 degrees and is configured to slide against a first sliding surface on the spacer member, and wherein there is at least one surface along the outer shell between the first and second abutment surfaces that forms an angle to a vertical plane of 0 to 55 degrees and the angle is different than the angle for either the first or second abutment surface." GB '655 fails to disclose at least this combination of elements. Specifically, GB '655 fails to disclose the angle of any abutment surface to a vertical plane. Further, GB '655 discloses a specific configuration for the outer shell in relation to the frame and spacer members of GB '655

that would no longer function as intended if modified to include the specific combination of elements recited in claim 6.

Therefore, no *prima facie* case of anticipation is established for claim 6. Further, dependent claims 7 and 9-11, which depend from claim 6, are also not anticipated for at least the reasons for claim 6. For at least these reasons the rejection should be withdrawn.

Claim 12 recites “wherein a portion of the outer surface of the outer shell between the first and second abutment surfaces does not contact the frame or spacer member, and wherein the second abutment surface forms an angle to a vertical plane of 0–20 degrees.” GB ‘655 fails to disclose at least this combination of elements. Specifically, GB ‘655 discloses an adaptor ring 58 and lead filling or other backing metal 47 as elements that are between the frame and the outer shell. The adaptor ring 58 is threaded into position and not pressed. Further, the adaptor ring only contacts the outer shell at the flange 56 of the outer shell, such that the abutment surface of the outer shell abutting the adaptor ring 58 is 90 degrees to a vertical plane. *See, e.g.*, Fig. 4 and p. 2, ll. 39-46. Thus, there is no portion of the outer shell contacting the spacer member at an angle to a vertical plane of 0-20 degrees if the adaptor ring 58 is considered the spacer member.

The lead filling or other backing metal 47 fills the entire space between bowl portion 46 and the outer shell. Therefore, there is no surface of the outer shell between a first and second abutment surfaces that does not contact the frame or the spacer member if the lead filling or other backing metal 47 is considered the spacer member. Thus, there is no element disclosed in GB ‘655 between the frame and outer shell that can represent the spacer member recited in claim

12 while also disclosing each and every element of claim 12. Therefore, no *prima facie* case of anticipation is established.

Dependent claims 13-20, which depend from claim 12, are also not anticipated for at least the reasons for claim 12. For at least these reasons the rejection should be withdrawn.

### CONCLUSION

Should any questions arise in connection with this application, or should the Examiner believe a telephone conference would be helpful in resolving any remaining issues pertaining to this application, it is respectfully requested that the undersigned be contacted at the number indicated below.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0573. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully Submitted,

Date: July 12, 2010  
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